



Petition

06-24-05

Patent Application 09/684,742

IW
DHC
J

Atty. Docket No. SENS.P011

PATENT

IN THE UNITED STATES PATENT OFFICE

In Re Patent Application of:)
) Examiner: Joseph E. Avellino
) Art Unit: 2143
David C. Gelvin, et al.)
)
Application No. 09/684,742)
)
Filed: October 4, 2000)
)
For: METHOD FOR)
INTERNETWORKED HYBRID WIRELESS)
INTEGRATED NETWORK SENSORS (WINS))

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF
ABANDONMENT**

Dear Sir:

Applicants respectfully petition for withdrawal of the holding of abandonment in the above-identified application.

Applicants respectfully submit that the holding of abandonment is a result of a mistake by the United States Patent and Trademark Office (USPTO) in failing to properly consider information contained in a Power of Attorney by Assignee and Certification under 37 CFR § 3.73(b) with revocation of prior powers (referred to herein as "Power of Attorney") received by the USPTO on August 2, 2002. (Exhibit 1).

This mistake by the USPTO resulted in all correspondence in the above-referenced application from the USPTO since August 2, 2002 being addressed and sent to the wrong correspondence address by the USPTO as described herein. As a result, Applicants did not receive the Office letter mailed August 26, 2004 that is identified on the Notice of Abandonment (Exhibit 2).

STATEMENT OF FACTS

1. Applicants were represented by the undersigned attorney at the law firm Wilson Sonsini Goodrich & Rosati ("WSGR") when the present application was filed on behalf of Applicants on October 4, 2000.

2. The undersigned attorney subsequently left WSGR and began representing Applicants at the law firm Perkins Coie. The undersigned attorney filed an information disclosure statement on November 30, 2001 from Perkins Coie indicating a correspondence address of Perkins Coie.

4. The undersigned attorney subsequently left Perkins Coie and began representing Applicants at the law firm Shemwell Gregory & Courtney (“SGC”). On July 24, 2002, the undersigned attorney filed a Power of Attorney by Assignee and Certification under 37 CFR § 3.73(b) with revocation of prior powers (referred to herein as “Power of Attorney”) received by the USPTO on August 2, 2002. (Exhibit 1). Exhibit 1 includes an itemized postcard, stamped by the USPTO to indicate the USPTO received the Power of Attorney on August 2, 2002. The Power of Attorney revokes all previous powers and appoints SGC (also indicated by customer number 30554). The Power of Attorney further requests all correspondence be directed to the address of SGC.

5. The undersigned attorney submitted (by mail) an information disclosure statement mailed January 6, 2003 in the present application from SGC indicating the correspondence address of SGC.

6. Charles Shemwell, law partner of the undersigned attorney, submitted two electronic information disclosure statements from SGC on December 10, 2003, and on July 30, 2004.

7. Neither SGC, nor the undersigned attorney ever received any correspondence in this case from the USPTO at the SGC address. No Office letter was ever received by the undersigned attorney, either directly from the USPTO or from any previous law firm representatives of Applicants. Applicants’ are still not in possession of any Office letter in this application.

8. The Notice of Abandonment includes a statement under item 7 as follows: “Examiner has attempted to contact the attorney of record, however all attempts to receive a status on the case have failed”. The undersigned attorney states that:

a) undersigned attorney never received any communication of any kind from the Examiner or from a previous law firm representative of Applicants (WSGR or Perkins Coie) regarding this application;

b) undersigned attorney is in contact with staff at both WSGR and Perkins Coie, and in other applications of current Applicants (which have similarly not had Powers of Attorney properly entered), has been contacted by such staff when USPTO personnel have attempted to reach undersigned attorney at WSGR and Perkins Coie; and

c) undersigned attorney's listing on the USPTO attorney registry web site is current and correct, and is as follows:

Gregory, Richard, Jr
Shemwell Gregory and Courtney, LLP
4880 Stevens Creek Blvd., Suite 201
San Jose CA US 95129
408-236-6646
42607
Attorney

DECLARATION

I, the undersigned attorney, declare that the facts stated herein are correct based on the file history of the application and personal knowledge. I declare that I properly submitted the Power of Attorney as evidenced by Exhibit 1. I further declare that I never received or had knowledge of any Office letter in this application. I still do not have possession of, and have not seen, any Office letter in this application.

I hereby state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, USC §1001 and that such willful false statements may jeopardize the validity of the this application or any patent issued thereon.

POINTS TO BE REVIEWED

Applicants respectfully request the Director to review the evidence presented in this Petition, as well as the file history in this application to confirm that, due to the mistake of the USPTO in not entering the Power of Attorney and new correspondence address, Applicants had no knowledge of any Office letter being mailed in this case. Therefore, Applicants had no opportunity to respond to the Office letter.

ACTION REQUESTED

Applicants respectfully request that the holding of abandonment be withdrawn in this application.

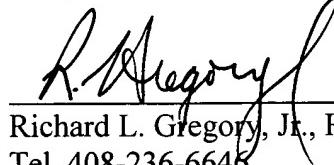
Applicants further request that the Office letter said to be mailed on August 26, 2004 be resent to the current, proper correspondence address with a new mailing date.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Enclosed herewith is a Fee Transmittal and a check for \$130.00 for the fee under 37. C.F.R. § 1.17(h). Please charge deposit account 501914 for any additional fees due in connection with this paper.

Respectfully submitted,

Date: June 21, 2005


Richard L. Gregory, Jr., Reg. No. 42,607
Tel. 408-236-6648

Customer Number 30554
Shemwell Gregory & Courtney LLP
4880 Stevens Creek Blvd., Suite 201
San Jose, CA 95129



Attorney Docket No.: SENS.P011

Patent Application

Transmittal of Petition

Certification Under 37 C.F.R. §1.10 (if applicable)

EV 652 317 634 US

June 22, 2005

"Express Mail" Label Number

Date of Deposit

I hereby certify that this application, and any other documents referred to as enclosed herein are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and addressed to MS PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Richard L. Gregory, Jr.

(Print Name of Person Mailing Application)

(Signature of Person Mailing Application)

Serial/Patent No.: 09/684,742 Filing/Issue Date: October 4, 2000 Client: Sensoria, Inc.
Title: Method for Internetworked Hybrid Wireless Integrated Network Sensors (WINS)

Atty. Docket No.: SENS.P011 Date Mailed: June 22, 2005

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- | | |
|--|---|
| <input type="checkbox"/> Amendment/Response (pgs.) | <input checked="" type="checkbox"/> Petition under 37 CFR 1.181 (4 pages) |
| <input type="checkbox"/> Preliminary Amendment (2 pgs.) | <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A |
| <input type="checkbox"/> Application - Utility (35 pgs.) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Application - Rule 1.53(b) Contin. (pgs.) | <input type="checkbox"/> Submission of Formal Drawings Letter |
| <input type="checkbox"/> Application - Rule 1.53(b) Divis. (pgs.) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (pgs.) | <input type="checkbox"/> Appeal Brief (pgs. in triplicate) |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA (pgs.) | <input type="checkbox"/> Reply Brief |
| <input type="checkbox"/> Application - PCT (pgs.) | <input type="checkbox"/> Response to Notice of Missing Parts |
| <input type="checkbox"/> Application - Provisional (pgs.) | <input type="checkbox"/> Utility Patent Application Transmittal |
| <input type="checkbox"/> Drawings (Formal, sheets) | <input checked="" type="checkbox"/> Fee Transmittal (PTO/SB/17p in duplicate) |
| <input type="checkbox"/> Declaration (pgs.) | <input checked="" type="checkbox"/> Itemized Postcard |
| <input type="checkbox"/> Assignment & Cover Sheet (pgs.) | <input type="checkbox"/> First Class Mail Certificate Of Mailing |
| <input type="checkbox"/> Power of Attorney by Assignee (pgs.) | <input checked="" type="checkbox"/> Express Mail No. <u>EV 652 317 634 US</u> |
| <input type="checkbox"/> Nonpublication Request (35 USC 122(b)) | <input checked="" type="checkbox"/> Check No. <u>4281</u> Amt <u>\$130.00</u> |
| <input checked="" type="checkbox"/> Other <u>Exhibit 1 (Copy of previously filed Power of Attorney and stamped return postcard); and</u>
<u>Exhibit 2 (Copy of Notice of Abandonment and envelope received)</u> | |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE**Under 37 CFR 1.17(f), (g) & (h)****TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/684,742
Filing Date	10/04/2000
First Named Inventor	David C. Gelvin
Art Unit	2143
Examiner Name	Joseph E. Avellino
Attorney Docket Number	SFNS.P011

Enclosed is a petition filed under 37 CFR 1.181 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 501914:
- petition fee under 37 CFR 1.17(f), (g) or (h) any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.
- Check in the amount of \$ 130.00 is enclosed.
- Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
 § 1.57(a) - to accord a filing date.
 § 1.182 - for decision on a question not specifically provided for.
 § 1.183 - to suspend the rules.
 § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
 § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
 § 1.14 - for access to an application.
 § 1.47 - for filing by other than all the inventors or a person not the inventor.
 § 1.59 - for expungement of information.
 § 1.103(a) - to suspend action in an application.
 § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
 § 1.295 - for review of refusal to publish a statutory invention registration.
 § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
 § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
 § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
 § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
 § 5.12 - for expedited handling of a foreign filing license.
 § 5.15 - for changing the scope of a license.
 § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
 § 1.84 - for accepting color drawings or photographs.
 § 1.91 - for entry of a model or exhibit.
 § 1.102(d) - to make an application special.
 § 1.138(c) - to expressly abandon an application to avoid publication.
 § 1.313 - to withdraw an application from issue.
 § 1.314 - to defer issuance of a patent.



Signature

RICHARD L. GREGORY, JR.

Typed or printed name

06/21/2005

Date

42,607

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

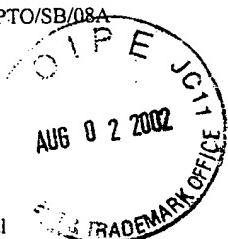
SENS.G.000
RLG

Serial/Patent No.: 09/1686,742 Filing/Issue Date: _____
Title: General Patent Matters

Atty. Docket No.: SENS.G000 Date Mailed: July 24, 2002

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- Amendment/Response (pgs.) Petition for Extension of Time (month(s))
 Preliminary Amendment (pgs.) Information Disclosure Statement & PTO/SB/08A
 Application - Utility (pgs.) Issue Fee Transmittal
 Application - Rule 1.53(b) Contin. (pgs.) Submission of Formal Drawings
 Application - Rule 1.53(b) Divis. (pgs.) Notice of Appeal
 Application - Rule 1.53(b) CIP (pgs.) Appeal Brief (pgs. in triplicate)
 Application - Rule 1.53(d) CPA (pgs.) Reply Brief
 Application - PCT (pgs.) Response to Notice of Missing Parts
 Application - Provisional (pgs.) Utility Patent Application Transmittal
 Drawings (sheets) Fee Transmittal (in duplicate)
 Declaration & POA (pgs.) Itemized Postcard
 Assignment & Cover Sheet (pgs.) Express Mail Certificate Of Mailing
 Power of Attorney by Assignee Express Mail No. _____
 Nonpublication Request (35 USC 122(b)) Check No. _____ Amt. _____
 Other _____



BEST AVAILABLE COPY

EXHIBIT 1

4 PAGES

09/1686,742

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Serial No.	Filed	Title	Assignment Recorded at Reel/Frame
09/684,706	04 Oct 2000	APPARATUS FOR INTERNETWORKED WIRELESS INTEGRATED NETWORK SENSORS (WINS)	011538/0184
09/684,565	04 Oct 2000	METHOD FOR COLLECTING AND PROCESSING DATA USING INTERNETWORKED WIRELESS INTEGRATED NETWORK SENSORS (WINS)	011501/0123
09/685,020	04 Oct 2000	METHODS AND APPARATUS FOR DISTRIBUTED SIGNAL PROCESSING AMONG INTERCONNECTED WIRELESS INTEGRATED NETWORK SENSORS (WINS)	011501/0095
09/685,019	04 Oct 2000	APPARATUS FOR INTERNETWORKED HYBRID WIRELESS INTEGRATED NETWORK SENSORS (WINS)	
09/684,387	04 Oct 2000	APPARATUS FOR COMPACT INTERNETWORKED WIRELESS INTEGRATED NETWORK SENSORS (WINS)	011530/0693
09/684,490	04 Oct 2000	APPARATUS FOR VEHICLE INTERNETWORKS	011530/0691
09/684,742	04 Oct 2000	METHOD FOR INTERNETWORKED HYBRID WIRELESS INTEGRATED NETWORK SENSORS (WINS)	
09/680,550	04 Oct 2000	METHOD FOR COLLECTING DATA USING COMPACT INTERNETWORKED WIRELESS INTEGRATED NETWORK SENSORS (WINS)	011805/0364
09/685,018	04 Oct 2000	METHOD AND APPARATUS FOR INTERNETWORKED WIRELESS INTEGRATED NETWORK SENSORS (WINS)	011500/0724
09/684,388	04 Oct 2000	METHOD FOR VEHICLE INTERNETWORKS	011803/0165
09/684,162	04 Oct 2000	APPARATUS AND REMOTE ACCESS OF VEHICLE COMPONENTS	011530/0616

09/680,608	04 Oct 2000	METHOD FOR REMOTE ACCESS OF VEHICLE COMPONENTS	011538/0200
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Power of Attorney by Assignee and Certification
Under 37 CFR §3.73(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, the undersigned, acting on behalf of the Assignee of the entire right, title and interest in the above-referenced patent applications, hereby revoke all prior powers of attorney for said applications and appoint the practitioners at Customer Number 30554, the Customer Number of Shemwell & Gregory LLP, as my/our attorney(s) or agent(s) to prosecute said applications, and to transact all business in the United States Patent and Trademark Office connected therewith. This appointment is to the exclusion of the inventor(s) and their attorney(s) and agent(s) in accordance with the provisions of 37 CFR 3.71.

Effective immediately, please direct all further communications in the above-identified patent application to the following address:

Shemwell & Gregory LLP
4880 Stevens Creek Blvd., Ste. 201
San Jose, CA 95129

Telephone: (408) 236-6640
Facsimile: (408) 236-6641
Customer No. 30554

In accordance with 37 CFR 3.73(b), I hereby certify that I am empowered to act on behalf of the Assignee. To the best of my knowledge and belief, title is in the Assignee, as evidenced by the assignments recorded in the Patent and Trademark Office at the above-indicated reel/frame locations or, if not indicated above, by the assignment documents attached hereto.

I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, USC §1001 and that such willful false statements may jeopardize the validity of the this application or any patent resulting therefrom.

ASSIGNEE: Sensoria Corporation

Signature: X David C. Gelvin

Typed Name: David C. Gelvin

Title: President & CEO

Date: 7/18/02

Address: 15950 Bernardo Center Drive, Suite J

San Diego, CA 92127



RECEIVED

UNITED STATES PATENT AND TRADEMARK OFFICE

09 2005

WILSON, SONSINI,
GOODRICH & ROSATI

SEN05121200-711

SENS-011

Am

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,742	10/04/2000	David C. Gelvin	21200-711	1719
21971	7590	05/05/2005		
			EXAMINER	
			AVELLINO, JOSEPH E	
			ART UNIT	PAPER NUMBER
			2143	

RECEIVED

MAY 16 2005

SHEMWELL GREGORY LLP

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT 2

3 PAGES

09/684,742

SHEMWELL GREGORY & COLLEDOCKETED 28 MAY By VKAction REVIVE APPL?Final Action 05 JUN 2005

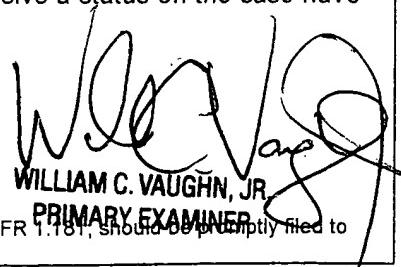
Notice of Abandonment	Application No.	Applicant(s)	
	09/684,742 Examiner Joseph E. Avellino	GELVIN ET AL. Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 20 August 2004.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

Examiner has attempted to contact the attorney of record, however all attempts to receive a status on the case have failed.

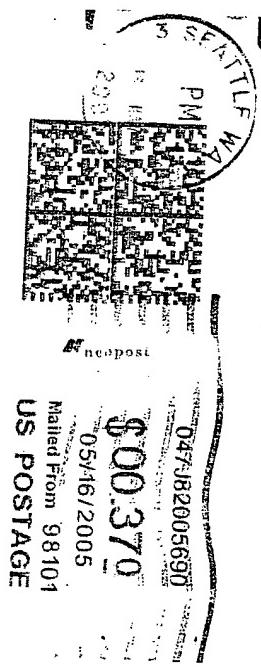


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Perkins
Coie

1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099



Richard Gregory, Jr.
Shemwell & Gregory LLP
4880 Stevens Creek Blvd., Suite 201,
San Jose, CA 95129

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